
Indigenous Heritage Section Information Bulletin

Regulating activities that could adversely affect Indigenous Traditional Use Sites

Under the *Historical Resources Act*, Alberta Arts, Culture and Status of Women regulates development activities that could adversely affect significant historic resources in the province. Indigenous traditional use sites are one of the types of historic resources that the ministry records and protects through its regulatory operations.

Ministry staff work closely with Indigenous communities across Alberta to gather information on these sites so that they can be integrated into the department's *Listing of Historic Resources*. The *Listing* is issued twice annually in multiple formats and identifies lands in Alberta that contain, or are considered highly likely to contain, historic resources. The *Listing* is used by land owners, developers, industry representatives, and regulators to determine if a proposed development might affect significant historic resources.

In the *Listing*, legal subdivisions of land containing and surrounding Indigenous traditional use sites are flagged as Historic Resource Value (HRV) 4c (cultural) lands. HRV 4c entries in the *Listing* include both the legal subdivision containing the site as well as surrounding legal subdivisions. By flagging both the legal subdivision containing the traditional use site and those in the vicinity as HRV4c lands, the *Listing* alerts developers to potential traditional use sites concerns in an area while protecting the confidential locations of these sites.

It is important to note that while the lands covered by HRV4c notations may be large, the area within those lands potentially subject to regulatory requirements from the ministry is smaller and is typically confined to the Indigenous traditional use site and its immediate environs. If a developer is proposing a project in a legal subdivision that has an HRV4c notation, they are required to apply for *Historical Resources Act* approval through the ministry's Online Permitting and Clearance (OPaC) system. Staff will review the footprint of the proposed development and determine if it occurs near an Indigenous traditional use site. Staff will also review the nature and use of the site and any previous consultation undertaken by the developer and Indigenous communities.

If the development could adversely affect an Indigenous traditional use site, the developer will be required to notify Indigenous communities affiliated with the site of the proposed development activities and their potential effect on the site. Such requirements are consistent with the Government of Alberta's policy commitment to consult with Indigenous communities when a development has the potential to adversely affect Indigenous traditional use sites. While both Arts, Culture and Status of Women and the Aboriginal Consultation Office issue consultation requirements to developers, these processes and approvals are distinct and must be secured independently. Notifications to communities under Arts, Culture and Status of Women requirements must clearly state they are based on a potential to affect historic resources.

If the affiliated communities respond to the notification, developers are required to engage with them to understand their concerns and seek mutually agreeable solutions to ensure that any potential adverse effects to Indigenous traditional use sites during development activities are avoided or mitigated. The

developer must then submit a record of their consultation activities and summarize any agreements they have made with communities. The ministry reviews the record of consultation and will issue *Historical Resources Act* approval if consultation has been appropriately undertaken and concerns adequately addressed. Approvals will typically require avoidance of significant historic resources.